

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

KEYSTONE SOLUTIONS, LLC,

Plaintiff,

V.

FISERV SOLUTIONS, LLC, f/k/a  
FISERV SOLUTIONS, INC.

Defendant.

Civil Action No. \_\_\_\_\_  
(Removed from the Superior Court  
of Fulton County, Georgia, Civil  
Action No. 22-cv-369921)

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, PLEASE TAKE NOTICE, Defendant Fiserv Solutions, LLC (“Fiserv Solutions”), f/k/a Fiserv Solutions, Inc., hereby files its Notice of Removal and removes an action brought against it by Plaintiff Keystone Solutions, LLC (“Keystone”) in the Superior Court of Fulton County, Georgia, bearing Case No. 22-cv-369921 (the “State Court Action”), to the United States District for the Northern District of Georgia on the grounds that there is jurisdiction in this Court pursuant to 28 U.S.C. § 1332(a). The grounds for removal are as follows:

### **THE STATE COURT ACTION**

1. On September 7, 2022, Keystone initiated the State Court Action by filing a complaint against Fiserv Solutions in the Superior Court of Fulton County, Georgia. Service was made upon Fiserv Solutions on September 20, 2022, when Fiserv Solutions executed an acknowledgement of and accepted service.

2. The action arises out of a services agreement between the Parties where Keystone agreed to provide certain services and deliverables to Fiserv Solutions (“Services Agreement”).

3. The Complaint alleges claims against Fiserv Solutions for breach of the Services Agreement, unjust enrichment, and attorneys’ fees and costs. (Ex. A, Compl. ¶¶ 54-69.)

### **BASIS FOR JURISDICTION**

4. Pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1332, this action is a civil action over which this Court would have original jurisdiction.

5. In relevant part, 28 U.S.C. § 1332(a) provides:

The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between –

(1) citizens of different States . . . .

6. Both the diversity of citizenship and amount in controversy requirements are satisfied here.

**Diversity of Citizenship**

7. The diversity of citizenship requirement is satisfied. The Parties are citizens of different states.

8. In the State Court Action, Keystone avers that it is a Nevada limited liability company with its principal place of business at 12460 Crabapple Rd, Ste 202, Alpharetta, Georgia. (Ex. A, Compl. ¶ 1.) Based on the representations of Plaintiff's counsel, Matthew Gellis is the sole member of Keystone and a citizen of the State of Georgia. Accordingly, Keystone is a citizen of the State of Georgia and no other. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004).

9. Fiserv Solutions, LLC was at the commencement of this action, and is now, a limited member company organized and existing under the laws of the State of Wisconsin that maintains its principal place of business at 225 Fiserv Drive, Brookfield, Wisconsin. The sole member of Fiserv Solutions, LLC is Fiserv, Inc. At the commencement of this action, Fiserv, Inc. was, and is now, a corporation organized under the laws of the State of Wisconsin that maintains its principal place of business at 225 Fiserv Drive, Brookfield, Wisconsin. As a result, Fiserv Solutions,

LLC is a citizen of the State of Wisconsin and no other state. *Rolling Greens*, 374 F.3d at 1022; 28 U.S.C. § 1332(c)(1).

**Amount in Controversy**

10. The amount in controversy requirement is satisfied. In the State Court Action, Keystone alleges \$729,050.00 in damages, plus additional interest, fees, costs, and charges. (Ex. A, Compl. ¶¶ 58, 64.) As a result, the jurisdictional threshold of \$75,000, exclusive of interest and costs, is exceeded here. 28 U.S.C. § 1332(a).

**ALL PROCEDURAL REQUIREMENTS HAVE BEEN SATISFIED**

11. Fiserv Solutions was served on September 20, 2022. In turn, this Notice of Removal is timely filed under 28 U.S.C. 1446(b), as this Notice of Removal is being filed before expiration of the 30-day removal period, which commenced after service of the complaint. *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999).

12. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of the dockets and all process, pleadings, and orders from the State Court Action are being filed with this Notice of Removal as **Exhibit A**. True and correct copies of proof of service or proof of receipt of Keystone's Complaint are being filed with this Notice of Removal as **Exhibit B**.

13. Consistent with 28 U.S.C. §1446(d), Defendant has served copies of this Notice of Removal to the United States District Court for the Northern District of Georgia on all parties to this case.

14. Removal to this Court is proper pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the U.S. District Court for the Northern District of Georgia is the federal judicial district encompassing the Superior Court of Fulton County, where the State Court Action originally was filed.

15. A copy of the Notice of Filing of Notice of Removal to the United States District Court is being filed with the Superior Court of Fulton County, Georgia and a copy of that notice is attached as **Exhibit C**.

### **CONCLUSION**

16. By this Notice of Removal, Defendant does not waive any objections it may have as to jurisdiction, venue, or any other defenses or objections it may have to this action. In addition, no waiver or admission of fact, law, or liability, including without limitation the amount of damages, if any, is intended by this Notice of Removal, and all defenses, affirmative defenses, and rights are hereby reserved. Defendant also respectfully reserves the right to submit additional evidence supporting this Notice of Removal if Keystone files a motion to remand this action to state court.

WHEREFORE, Defendant hereby removes this case to the United States District Court for the Northern District of Georgia, requests this Court take jurisdiction over this case and enter such further orders as may be necessary and proper for the continuation of this action, and be afforded such further relief as this Court deems just and proper.

Respectfully submitted this 19th day of October, 2022.

**POLSINELLI PC**

/s/ Matthew S. Knoop

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[cont'd on the following page]

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## CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing **NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA** has been prepared in compliance with Local Rule 5.1 (C), using 14-point Times New Roman font.

/s/ Matthew S. Knoop

Matthew S. Knoop

Georgia Bar No. 140870

*Counsel for Defendant*

*Fiserv Solutions, LLC,*

*f/k/a Fiserv Solutions, Inc.*



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## CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2022, the foregoing **NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA** was filed with the Court using the CM/ECF system and also served via email.

JCORBITT ADVISORY SERVICES

Jack C. Lundstedt Jr.

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*Attorneys for Plaintiff*

/s/ Matthew S. Knoop

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